

REMARKS

The currently pending claims are directed to a dyed textile material that has been treated with a polyvinylamine and a complexing agent. As stated in the specification, the present inventors have discovered that the combination of a polyvinylamine polymer and a complexing agent when applied to a textile material can increase the affinity of the material for various dyes, particularly acid dyes as claimed in claim 16.

As stated on page 41 of the application, it is known that acid dyes are relatively ineffective in dyeing some cellulosic substrates because the chemistry of the acid dyes does not make them readily substantive to the cellulosic material. It has been discovered by the present inventors, however, that once a cellulosic fiber has been treated with a complexing agent and a polyvinylamine polymer, the fiber becomes more receptive to acid dyes.

It is believed that all pending claims define over the prior art of record. The following remarks address all arguments presented by the Examiner in the Office Action.

In the Office Action, claims 16-18, 10-23, 26-28 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schrell et al., U.S. Patent No. 5,529,585 in view of Evani, U.S. Patent No. 4,242,408. Schrell teaches adding polyamines to a solution of cellulose from which viscose fibers are regenerated. Once the fibers are regenerated, the fibers may then be dyed without salt and alkali. As admitted in the Office Action and in stark contrast to the currently pending claims, Schrell does not disclose or suggest the use of a complexing agent that serves to bond a polyvinylamine to a cellulosic material.

In this regard, Schrell was cited in combination with Evani. Evani, however, is directed to a non-woven web having enhanced wet strength and easy disposability and simply discloses the use of a pH sensitive binder that provides the web with adequate wet strength but which also makes the web readily disintegrate in an environment at a higher pH. The binder is described as an interpolymer of at least one ethylenically unsaturated carboxylic acid and at least one ethylenically unsaturated water-insoluble monomer.

In response to the above combination of references, Applicants submit that there would have been no motivation, suggestion or incentive to combine the references as proposed in the Office Action absent the use of improper hindsight analysis. In fact, it is believed that Schrell actually teaches away from the proposed combination. In particular, because the polyamine is already present within the fiber in Schrell, there is no motivation, incentive or suggestion to use a complexing agent in order to bond the polyamine to the

surface of the fiber as required in independent claim 16. Nothing in Schrell or Evani motivates one to seek any complexing agent to join polyvinylamine to cellulose.

Further, one wishing to improve acid dyeing of fabrics according to Schrell would not be motivated to look to the premoistened flushable tissue art or to agents which provide adequate wet strength to a tissue product and then assist the product in disintegrating for facilitating easy flushability. As such, Applicants submit that the currently pending claims patentably define over Schrell in combination with Evani.

In the Office Action, claims 16-17, 19-20, 22-23, 26-28 and 32 were also rejected under 35 U.S.C. § 103 as being unpatentable over Schrell in view of WO 00/11046 to Geer. Geer, however, is similar to Evani in that the application is directed to improving the strength of paper. Similar to Evani, Geer does not disclose, suggest or have any relevance to solving the problem of improving acid dye receptivity to a textile material containing a cellulosic material. Further, no motivation, suggestion or incentive exists for somehow modifying Schrell in order to incorporate a complexing agent with a polyvinylamine wherein the complexing agent serves to bond the polyvinylamine to cellulosic material for increasing the acid dye receptivity of a textile material. As described above, one skilled in the art looking to improve dye receptivity would not be motivated to look to the paper strength agents disclosed in Geer for somehow incorporating a complexing agent as defined in the currently pending claims into the process disclosed in Schrell. Again, the polyamines disclosed in Schrell are added to a spinning solution during the formation of fibers. Any motivation to combine the polyamines disclosed in Schrell with the anionic monomers disclosed in Geer would improperly come from Applicant's own disclosure.

In the Office Action, various dependent claims were also rejected in view of the above references in conjunction with JP 02-127,593. JP 02-127,593 fails to cure any of the above-noted deficiencies of the base references. As such, it is believed that the claims also patentably define over the above Japanese reference.

Claims 16-18 and 32 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-45 of copending Application No. 10/023,489. Should a Terminal Disclaimer be required in order to overcome this provisional rejection, Applicants hereby agree to submit any such document.

In summary, it is believed that the claims as currently pending are patentably distinctive over the prior art of record and are in complete condition for allowance. Examiner Cole is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Respectfully submitted,

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